

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA ex rel.
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA,
99AG25112

Plaintiff,

v.

DEFEAT DIABETES FOUNDATION, INC.,
a Florida corporation;

ANDREW P. MANDELL,
in his corporate capacity as President of
Defeat Diabetes Foundation, Inc., and in his
individual capacity; and

JERALD Y. MANDELL,
in his corporate capacity as Treasurer of
Defeat Diabetes Foundation, Inc., and in his
individual capacity;

Defendants.

Equity No. CE 68757

PETITION IN EQUITY

FILED
POLK COUNTY, IA
11 JUN 15 AM 8:00
IOWA DISTRICT COURT

The State of Iowa ex rel. Attorney General Thomas J. Miller, through Assistant Attorney General Steve St. Clair, states as follows for its cause of action against Defeat Diabetes Foundation, Inc. (hereinafter "Defeat Diabetes Foundation" or "DDF"), and the individuals named in the above caption, in their corporate and individual capacities:

INTRODUCTION

1. Defeat Diabetes Foundation is a Florida charity run by brothers Andrew and Jerald Mandell, with assistance from their sister Lisa Mandell Rasolt and their nephew Daniel Rasolt. DDF contracted with an Iowa-based telemarketer to raise money for DDF by soliciting donations

from Iowans and residents of certain other states. The fundraising agreement provided for the telemarketer to keep 80% of the donations, and for DDF to receive the remaining 20%. In calling Iowans to ask for donations to DDF, the telemarketer would routinely misrepresent important facts, including how much of a donation went to the charitable purpose, whether donations would be committed exclusively to Iowa activities, where the charity was located, the frequency with which additional donations would be solicited, and whether the caller was a volunteer. The telemarketers would also fail to make important disclosures, such as the fact that the call was being made by a professional fundraiser rather than by the charity itself. DDF selected the professional fundraiser in question, and, having authorized and empowered the telemarketer to solicit donations in DDF's name by appealing to the need to fight diabetes, DDF had a duty to make reasonable efforts to ensure that unlawful fundraising was not being conducted in its name, to its financial advantage. DDF did not undertake such efforts, however. Moreover, in addition to failing to properly supervise and monitor the telemarketing it had set in motion, DDF approved a fundraising script that was itself misleading. Defendants have abused the generosity of Iowans, should be required to disgorge improperly obtained donations, and should be prohibited from directing such self-serving, irresponsible, unfair, and deceptive fundraising efforts to Iowans in the future.

VENUE

2. Venue is proper in Polk County, Iowa, because Defendants have engaged in the activities that are the subject of this Petition in Polk County, Iowa. Iowa Code § 714.16 (10) (2011).

PARTIES

3. The Iowa Attorney General is authorized to bring this action on behalf of the State of Iowa by Iowa Code §§ 714.16 (7) and 714.16A (1) (2011).

4. Defeat Diabetes Foundation, Inc. was incorporated in the State of Florida in _____ as a not-for-profit corporation.

5. Andrew P. Mandell was listed as President of DDF, and Jerald Y. Mandell as Treasurer, in DDF's 2009 federal tax filings. Upon information and belief, these individuals direct and control the relevant activities of DDF and are responsible for the violations of law set forth in this Petition.

JURISDICTION

6. The Iowa Consumer Fraud Act, Iowa Code § 714.16 (2)(a) (2011) ("the Consumer Fraud Act") provides in pertinent part:

The act, use or employment by a person of an unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression or omission of a material fact with intent that others rely upon the concealment, suppression, or omission, in connection with the lease, sale, or advertisement of any merchandise or the solicitation of contributions for charitable purposes, whether or not a person has in fact been misled, deceived, or damaged, is an unlawful practice.

7. Iowa Code § 714.16 (1) provides the following definitions:

(f) "Deception" means an act or practice which has the tendency or capacity to mislead a substantial number of consumers as to a material fact or facts.

(n) "Unfair practice" means an act or practice which causes substantial, unavoidable injury to consumers that is not outweighed by any consumer or competitive benefits which the practice produces.

8. Iowa Code § 714.16 (7) provides, in pertinent part:

Except in an action for the concealment, suppression, or omission of a material fact with intent that others rely upon it, it is not necessary in an action for reimbursement or an injunction, to allege or to prove reliance, damages, intent to deceive, or that the person who engaged in an unlawful act had knowledge of the falsity of the claim or ignorance of the truth.

9. In describing remedies under the Consumer Fraud Act, Iowa Code § 714.16 (7)

provides in pertinent part as follows:

If it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in a practice declared to be unlawful by this section, the attorney general may seek and obtain in an action in a district court a temporary restraining order, preliminary injunction, or permanent injunction prohibiting the person from continuing the practice or engaging in the practice or doing an act in furtherance of the practice. The court may make orders or judgments as necessary to prevent the use or employment by a person of any prohibited practices, or which are necessary to restore to any person in interest any moneys ... which have been acquired by means of a practice declared to be unlawful by this section ...

In addition to the remedies otherwise provided for in this subsection, the attorney general may request and the court may impose a civil penalty not to exceed forty thousand dollars per violation against a person found by the court to have engaged in a method, act, or practice declared unlawful under this section; provided, however, a course of conduct shall not be considered to be separate and different violations merely because the conduct is repeated to more than one person. In addition, on the motion of the attorney general or its own motion, the court may impose a civil penalty of not more than five thousand dollars for each day of intentional violation of a ... permanent injunction issued under authority of this section.

10. Iowa Code §§ 714.16A (1) & (3) (2011) provide, respectively:

If a person violates section 714.16, and the violation is committed against an older person, in an action by the attorney general, in addition to any other civil penalty, the court may impose an additional civil penalty not to exceed five thousand dollars for each such violation.

As used in this section, "*older person*" means a person who is sixty-five years of age or older.

FACTUAL ALLEGATIONS

11. From about May of 2003 through about November of 2010, DDF contracted with Lino's, Inc., a Des Moines-area telemarketer engaged in professional fundraising, to solicit donations from residents of Iowa. The contract provided *inter alia*:

- a) that Lino's standard fee for its telemarketing services would be 80% of donations generated, the remainder going to DDF (to be divided among administrative expenses, charitable activities, etc.);
- b) that all donor names and information were the exclusive property of the telemarketer;
- c) that Lino's would "conduct a telephone Public Education/Awareness campaign" on behalf of DDF, "using a prepared presentation by [Lino's] approved by [DDF]," and that Lino's would "have approval of" all telephone presentations, correspondence with donors, and other such materials used by Lino's;
- d) that Lino's representatives would be "trained to have expertise in answering questions" relating to DDF;
- e) that a box would be opened to receive mail in DDF's name, with Lino's picking up the mail;
- f) Lino's agreement to abide by specified portions of the Council For Better Business Bureau's Standards For Charitable Contributions, which portions were attached to the contract. The standards attached to the contract included a requirement that all telephone appeals "shall identify ... the solicitor and his/her relationship to the benefitting organization";
- g) that DDF could terminate the agreement if Lino's failed to collect \$5,000.00 during any four week period;
- h) that if either party were to breach the agreement, the other party had to give notice of the breach and provide a fifteen-day opportunity to cure it.

12. The above-referenced contract did not include:

- a) any restrictions on the extent to which Lino's could use lists of DDF donors to fundraise for other clients or for other purposes;
- b) any restrictions on how frequently Lino's could re-contact DDF donors for more

contributions;

c) any restrictions on the use of a commission-based system for compensating Lino's employees engaged in making solicitation calls for DDF;

d) any restrictions on assigning felons, parolees, or persons on probation for criminal activity to make the solicitation calls on behalf of DDF;

e) any provisions designed to enable DDF to engage in meaningful monitoring of how telemarketing calls on behalf of DDF were being conducted by Lino's, such as recording requirements¹; remote monitoring options; list-seeding to place a DDF representative or confederate on Lino's calling list; unannounced visits; a requirement that Lino's report complaints and law enforcement contacts; the provision of employee/ex-employee lists, to permit DDF to periodically contact persons who solicited donations on its behalf; or reservation of the right to contact DDF donors to inquire about the telemarketing presentation they received; or reservation of the right to contact other charitable clients of Lino's regarding their experiences with the telemarketing performed by Lino's employees on their behalf.

13. A copy of the above-referenced contract, which through repeated renewals was in effect through 2010, is attached hereto as Exhibit I.

14. The Consumer Protection Division maintains an undercover telephone line for the primary purpose of receiving and recording solicitations intended for Iowa consumers, in order to determine whether the solicitors are acting in compliance with Iowa law. Between September of 2007 and November of 2010 at least fifteen (15) calls were received in which employees of Lino's, Inc. were soliciting donations for DDF, pursuant to contract. Transcripts of recordings of such calls, with identifying information redacted where appropriate, are attached as Exhibits II through XVI.

15. Exhibits II through XVI reveal numerous instances of deceptive representations, both express and implied, and/or material facts being unlawfully omitted, in connection with efforts to

¹ By contrast, the script that DDF approved for use by an Indianapolis-based telemarketer contained the assertion that "all of our calls are monitored and recorded."

generate donations to DDF, spanning a period of more than two years. For example, the transcripts show that donations to DDF are repeatedly solicited through false representations that:

- a) the caller is with the Defeat Diabetes Foundation, and is a volunteer (with no disclosure of the fact that the caller is actually a paid solicitor employed by Lino's, a professional fundraiser);
- b) DDF is located in Iowa, and donations stay in Iowa;
- c) the call is being made as part of an annual drive (as opposed to a year-round campaign that results in donors being called twice or more each year);
- d) most of the requested donation will go to the underlying cause of fighting diabetes.

16. Due, at least in part, to the above-referenced fact that only a small portion of each donation to DDF actually goes to the charitable purpose that motivates donors to give, respected organizations that monitor and rate charities do not rate DDF favorably:

- a) At least as of May 13, 2011, the organization Charity Navigator gave DDF zero stars on its five-star scale. See www.charitynavigator.org
- b) The American Institute of Philanthropy ("Helping you give wisely to charity") has given DDF an "F" rating. See www.charitywatch.org/hottopics/hottopics.html
- c) The Council of Better Business Bureau's Wise Giving Report indicates that despite written requests for information, DDF has either not responded or has declined to be evaluated, and that this "lack of commitment to transparency" prevents the BBB from determining whether DDF adheres to the BBB's Standards for Charity Accountability. See <http://www.bbb.org/charity-reviews/national/health/defeat-diabetes-foundation-in-madeira-beach-fl-1207>

DDF's disfavored commitment of so small a portion of donated funds to charitable purposes makes it particularly important that would-be donors who inquire about where donations go are given accurate information.

17. Despite the fact that deceptive conduct on the part of telemarketing operations involved in fundraising is widely known among charities and professional fundraisers that

engage in such telephone solicitations, Defendants made little effort to discover, prevent, or put an end to the misrepresentations that were systematically being made in its name by its agent over the course of more than two years.

18. In addition to their failure to effectively control and monitor the fundraising conducted by Lino's in DDF's name, Defendants have expressly approved telemarketing scripts for use by Lino's that contained outright deceptions. Attached Exhibit XVII, a script approved by DDF for use by Lino's, includes the following deceptive features:

a) The caller says that he or she is "calling on behalf of Defeat Diabetes Foundation," without any disclosure of the material fact that the caller is a paid solicitor employed by Lino's, Inc., a for-profit professional fundraiser. (By contrast, the script approved by DDF for use by a different fundraiser, Indianapolis-based Preferred Community Services, includes the disclosure that the caller is a paid solicitor, a fact that many would-be donors take into account in deciding whether to contribute.)

b) The script approved by DDF for Lino's states that the solicitation call is being made as part of an "annual drive," as if a would-be donor will be asked to give no more often than once each year. In fact, however, DDF has acknowledged that it regards two fundraising calls to each donor as within the range of what is "fair and reasonable," and Exhibits II through XVI show that Lino's re-contacted donors more frequently than once a year.²

19. Upon information and belief, persons aged 65 and older are disproportionately represented among the Iowans who have made DDF donations in response to telephone appeals by Lino's, in part because retirees are more likely to be home during work hours when many solicitation calls are made.

20. Neither all nor any part of the application for injunctive relief herein has been previously presented to and refused by any court or justice. Iowa R. Civ. P. 1.1504.

21. In an action by the state, no security shall be required of the state. Iowa R. Civ. P.

² Exhibits II, III, IV, V, VI, VIII, IX, XI and XIV were all directed to one individual, and Exhibits VII, X, XII, XIII, XV and XVI were all directed to another individual.

COUNT I

CONSUMER FRAUD ACT VIOLATIONS

22. Paragraphs 1 through 21 are incorporated herein by reference.

23. Defendants' fundraising practices violate the prohibition of Iowa Code § 714.16 (2)(a) against misleading, deceptive, unfair, and omissive acts and practices, and otherwise violate that provision of Iowa law by making misleading affirmative representations about how donations would be used.

24. Although it is not necessary to establish reliance, damages or intent to deceive to obtain injunctive relief or reimbursement under the Consumer Fraud Act (*see* paragraph 16 above), establishing these factors, particularly intent, is nevertheless relevant *inter alia* to the Court's determination of the appropriate scope of injunctive relief and the appropriate amount of civil penalties. Those acts and practices of Defendants in violation of subsection (2)(a) of the Consumer Fraud Act as alleged in this Count did in fact induce reliance on the part of consumer victims, did in fact cause damage to consumers, and/or were in fact intentional.

COUNT II

CONSUMER FRAUDS COMMITTED AGAINST OLDER PERSONS

25. Paragraphs 1 through 21 above are incorporated herein by reference.

26. On information and belief, many of the Consumer Fraud Act violations for which the Defendants are responsible were committed against older persons and give rise to the additional civil penalty provided for in section 714.16A.

PRAYER

Plaintiff prays the Court grant the following relief:

A. Pursuant to Iowa Code § 714.16 (7), and upon further request by Plaintiff addressed to the Court, enter a temporary restraining order and preliminary injunction restraining Defendants, and each of them, and (as applicable) each Defendant's directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired predecessors, parent or controlling entities, and all other persons, corporations and other entities acting in concert or participating with such Defendant who have actual or constructive notice of the Court's injunction, from engaging in the deceptive, misleading, omissive, and unfair practices alleged in this Petition or otherwise violating the Iowa Consumer Fraud Act, and/or from continuing to engage in any solicitation of donations in Iowa or from Iowa.

B. Pursuant to Iowa Code § 714.16 (7), after trial on the merits, make permanent the above-described injunctions, expanding their provisions as necessary by including *inter alia* such "fencing in" provisions as are reasonably necessary to ensure that Defendants and other enjoined persons and entities do not return to the unlawful practices alleged herein, or commit comparable violations of law.

C. Pursuant to Iowa Code § 714.16 (7), enter judgment against Defendants, jointly and severally, for amounts necessary to restore to Iowa consumers all money acquired by means of acts or practices that violate the Consumer Fraud Act, and/or to effectuate the charitable giving intended by Iowa consumers in donating such money.

D. Pursuant to Iowa Code § 714.16 (7), enter judgment against Defendants, jointly and

severally, for such additional funds as are necessary to ensure complete disgorgement of all ill-gotten gain traceable to the unlawful practices alleged herein.

E. Pursuant to Iowa Code § 714.16 (7), enter judgment against Defendants, jointly and severally, for up to \$40,000.00 for each separate violation of the Consumer Fraud Act.

F. Pursuant to Iowa Code § 714.16A, enter judgment against Defendants, jointly and severally, for an additional civil penalty not to exceed \$5,000.00 for each violation of the Consumer Fraud Act committed against an older person.

G. Award Plaintiff interest as permitted by law.

H. Pursuant to Iowa Code § 714.16 (11), enter judgment against Defendants, jointly and severally, for attorney fees, state's costs and court costs.

I. Grant such additional relief as the Court deems just and equitable.

Respectfully submitted,

Thomas J. Miller
Attorney General of Iowa



Steve St. Clair AT 0007441
Assistant Attorney General
Hoover Building, 2d Floor
Des Moines, Iowa 50319
Ph: 281-5926
Fax: 281-6771
steve.stclair@iowa.gov

AGREEMENT

For and in consideration of mutual promises and mutual benefits derived by the parties hereto, this agreement is made and entered into by and between **LINO'S, INC.** (hereinafter referred to as "Company") and the **DEFEAT DIABETES FOUNDATION, INC.** (hereinafter referred to as "Organization"). The parties expressly acknowledge that this Agreement expresses the entire wishes of both parties and will remain valid and enforceable until **December 31, 2003**. This agreement will renew automatically on January 1st of each year unless either party notifies the other in writing, at least thirty (30) days in advance, of their intention not to renew.

PURPOSE

Company agrees to conduct a telephone Public Education/Awareness campaign on behalf of the Organization. Said telephone campaign will be conducted from the Company's offices/facilities between **May 1, 2003** and continue through **December 31, 2003**, in the state of **Iowa**

1. PUBLIC EDUCATION/AWARENESS CAMPAIGN

Company will conduct a telephone Public Education/Awareness campaign on behalf of the Organization in the state of **Iowa**. Company's representatives, using a prepared presentation by Company and approved by the Organization will talk to businesses, individuals and professionals, define the Organization, explain its objectives, encourage support, request donations and relate the history and objectives of the Organization on a one-on-one basis. This call will be structured to satisfy the "Call To Action" requirement in an effort to accomplish the following:

- A. To enhance the image of the Organization;
- B. To promote increased public awareness of the goals and objectives of the Organization;
- C. To mail informational materials;
- D. To accept, if offered, merchandise, services, or volunteers on behalf of the Organization.

2. DONATION CAMPAIGN

Company's representatives, on behalf of the Organization, will offer the businesses, individuals and professionals contacted, an opportunity to donate funds to the Organization. Company's representatives will be trained to have expertise in answering questions regarding the Organization. A POB or PMB will be opened in the name of Defeat Diabetes Foundation, Inc., expressly for its use, and the Company on a regular basis will pick-up the mail. Organization agrees to furnish Company with two names of persons in the Organization, which Company may use as referral if questioned as to the authenticity of their representation of the Organization in the solicitation of donations.

3. IMPLEMENTATION AND APPROVALS

Organization agrees to provide to Company all available information necessary to implement this Public Education/Awareness campaign no later than fifteen (15) days before campaign begins. Organization shall have approval of all telephone presentations, letter of information, inserts and letter of appreciation used by Company in the advertising sales effort. A minimum of six (6) copies of all materials to be used by Company shall be forwarded to Organization. Furthermore, Company agrees to abide by the Council of Better Business Bureaus "Standards for Charitable Solicitations", sections C1 through C5 (Solicitations and Informational Materials) and sections D1 through D4 (Fund Raising Practices), a copy of which is attached and made part of this agreement.

4. GUARANTEES TO ORGANIZATION

Company guarantees that Organization will receive **twenty percent (20%)** of collected sales. Payment will begin one (1) week after the Company begins, as collections come in. Organization grants to the Company the right to collect/receive funds on its behalf through the US Postal Service or Private Mail Forwarding Service generated through the efforts of Company. All monies contributed to Organization, as a result of Company's efforts, shall be delivered weekly to Organization via overnight express courier service at Company's expense and will be deposited into the Organization's bank account, or Company may deposit funds directly into a bank account approved and controlled by the Organization and provide Organization with copies of the deposit slip. **Note:** IRS regulations mandate a contemporaneous receipt from the Organization for any donation of Two hundred fifty dollars (\$250.00) or more. Company must provide the Organization with copy of the check and amount, name and address of such donor. Organization will make payment to Company on a weekly basis for the agreed upon fee of **eighty percent (80%)** and forward same to Company via agreed method at Company's expense. **Exception: Extraordinary donations:** Fees will only be paid on the first five hundred dollars (\$500.00) of any individual or corporate donation during a calendar year. All returned checks, adjustments, charge backs, and associated fees will be deducted from the Company's fees.

5. LAWS AND REGULATIONS

Organization agrees to provide Company with evidence of Organizations tax status and to comply with all Federal, State and Municipal laws and regulations pertaining to registration by charitable organizations prior to charitable solicitations. Company agrees to obtain, and provide a copy to Organization, all licenses and permits with respect to professional fundraising to be performed hereunder and to pay reasonable fees and charges in connection therewith or otherwise which are or may be lawfully demanded or required by any governmental authority and also to pay all license fees or other like charges required to be paid by any person or firm engaged in the fundraising which Company has agreed to perform. In addition, Company shall, as part of its expense, assume and pay all taxes that may be charged or assessed upon the payment of employees and the sale or use of materials used by Company, unless such materials are furnished by Organization, and otherwise comply with all Federal, State and Municipal laws and regulations.

6. DONOR LIST (S)

It is expressly understood and agreed by the parties to this Agreement that any and all names, addresses, telephone numbers and amounts contributed, by persons, firms, organizations, or corporations which were obtained, developed, compiled or otherwise acquired for Organization, by or through direct efforts of Company, in connection with any fund raising activity rendered under this Agreement shall at all times remain the exclusive property of Company and those working with it.

7. INSPECTIONS AND ACCOUNTABILITY

Company grants to Organization, at no cost to Organization, the right of inspection of all records maintained by Company relevant to the fund raising activity conducted on behalf of Organization. These records shall remain the exclusive property of Company and Organization's only interest in these or any other documentation is for the exclusive right of inspection and accountability. It shall be the responsibility of Company to provide proper accountability to Organization of each fund raising activity conducted by Company under the agreement with Organization. Company agrees to cooperate fully with Organization; it's agents, auditors or other person(s), firms or legal authority in the event of an audit of Organization to insure an accurate and complete audit of the activities of and on behalf of Organization. The donor list, if requested by authorized person(s), firms or legal authority in the event of an audit of Organization shall be forwarded by Company directly to the requesting person(s), firms or legal authority.

8. CANCELLATION

This Agreement may be canceled and terminated by Organization upon the occurrence of any of the following events:

- (a) Expiration of the term of this Agreement.
- (b) If Company does not maintain a performance level in collections of five thousand dollars (\$5,000.00) accumulated during any four (4) week period, during the term of this Agreement, then, Organization shall have the right to cancel and terminate this Agreement effective thirty (30) days following delivery to Company, personally or by certified mail, a written notice of such cancellation and termination.
- (c) **Failure on the part of Company to distribute (100%) the Organization's exclusive "Defeat Diabetes® Screening Test" to each respondent throughout the course of this Agreement.** Organization will provide these at no cost to the Company.

9. BREACH OF CONTRACT

Failure by either party to comply with any and all terms, conditions and deadlines contained herein shall constitute a breach. The other party shall be required to notify the breaching party of a breach. The breaching party must correct within fifteen (15) days, or failing to correct, this Agreement will be considered null and void. Should one party claim the breach has been cured, while the other denies same, then the parties agree to submit said dispute to binding arbitration to be held in Pinellas County, Florida in accordance with the rules of the American Arbitration Association. In the event of actual arbitration, the prevailing party shall be reimbursed for all reasonable expenses, including the reasonable cost of legal council.

10. INDEMNIFICATION

INDEMNIFICATION BY ORGANIZATION. Organization hereby indemnifies Company and agrees to hold Company harmless from any loss, liability, damage, cost or expense (including legal expense) arising out of any claims or suits which may be brought or made against Company by reason of Organization's negligent act, error or omission or delay in performing or failure to perform its obligations hereunder, except as a consequence of a force majeure.

INDEMNIFICATION BY THE COMPANY. Company hereby indemnifies Organization and shall hold Organization harmless from any loss, liability, damage, cost or expense (including legal fees) arising out of any claims or suits which may be brought or made against Organization by any reason of (1) the breach of Company of warranties and representations or (2) any unauthorized use of the Organization name or logo. Company indemnifies and agrees to hold Organization harmless from any loss, liability, damage, cost or expense arising out of any claims or suits which may be brought or made against Organization by any vendor who brings a claim or suit against Organization. Company further indemnifies Organization and agrees to hold Organization harmless from any loss, liability, damage, cost or expense (including legal expense) arising out of any claims or suits which may be brought or made against Organization by reason of Company's negligent act, error or omission or delay in performing or failure to perform its obligations hereunder, except as a consequence of a force majeure.

11. SITUS

The parties hereto acknowledge and agree this Agreement was made and entered in Pinellas County, Florida and that the court of said County shall have exclusive jurisdiction over any dispute or controversy arising out of said Agreement, and the laws of Florida shall be applied.

12. NOTICES

Any notices or other communications between Organization and Company concerning or required under this Agreement shall be in writing and shall be sent by certified or registered mail to the addresses below or to such other address as either of them may hereafter specify by such notice to the other.

ORGANIZATION

Defeat Diabetes Foundation, Inc.
501 150th Avenue
Madeira Beach, FL 33708
(727) 391-5050

Attention: Jerald or Andrew Mandell

COMPANY

Lino's, Inc.
236 Highway 6
Waukee, IA 50263
(515) 982-3451

Attention: Michael D. Davies

13. ENTIRE AGREEMENT

This agreement supersedes all prior agreements, negotiations, and understandings whether written or oral and represents the full and complete understanding of the parties.

There can be no modification of this Agreement except in writing enacted with the same formality of this Agreement.

IN WITNESS HEREOF, the parties hereunder set their hand and seal.

APPROVED:

Lino's, Inc.

BY: Michael D. Davies

SIGNATURE: 

TITLE: PRESIDENT

DATE: 5-1-3

APPROVED:

Defeat Diabetes Foundation, Incorporated

BY: Andrew P. Mandell

SIGNATURE: 

TITLE: President

DATE: 4/29/03

BY: Jerald Y. Mandell

SIGNATURE: 

TITLE: Treasurer

DATE: 4/23/03

COUNCIL OF BETTER BUSINESS BUREAUS STANDARDS FOR CHARITABLE SOLICITATIONS

AS PER PARAGRAPH 3 "IMPLEMENTATION AND APPROVALS" OF AGREEMENT BETWEEN THE DEFEAT DIABETES FOUNDATION, INC. AND THE LISTED PROFESSIONAL FUND RAISING COMPANY, THESE TWO SECTIONS (C&D) ARE HEREBY MADE PART OF THIS AGREEMENT.

SOLICITATIONS AND INFORMATIONAL MATERIALS

- C1: Solicitations and informational materials, distributed by any means, shall be accurate, truthful and not misleading, both in whole and in part.
- C2: Soliciting organizations shall substantiate on request that solicitations and informational materials, distributed by any means, are accurate, truthful and not misleading, both in whole and in part.
- C3: Solicitations shall include a clear description of the programs and activities for which funds are requested.
- C4: Direct contact solicitations, including personal and telephone appeals, shall identify a) the solicitor and his/her relationship to the benefiting organization, b) the benefiting organization or cause and c) the programs and activities for which funds are requested.
- C5: Solicitations in conjunction with the sale of goods, services or admissions shall identify at the point of solicitation a) the benefiting organization, b) a source from which written information is available and c) the actual or anticipated portion of the sales or admission price to benefit the charitable organization or cause.

FUND RAISING PRACTICES

- D1: Soliciting organizations shall establish and exercise controls over fund raising activities conducted for their benefit by staff, volunteers, consultants, contractors, and controlled or affiliated entities, including commitment to writing of all fund raising contracts and agreements.
- D2: Soliciting organizations shall establish and exercise adequate controls over contributions.
- D3: Soliciting organizations shall honor donor requests for confidentiality and shall not publicize the identity of donors without prior written permission.
- D4: Fund raising shall be conducted without excessive pressure, which includes but is not limited to failure to inform recipients of unordered items that they are under no obligation to pay for or return; and strongly emotional appeals which distort the organization's activities or beneficiaries.

DEFEAT DIABETES FOUNDATION

9-13-07

JP: Johnny Porter

JP: [REDACTED]?

[REDACTED]: Yes.

JP: My name's Johnny Porter, how ya doing today?

[REDACTED]: Good. Who is this, I'm sorry?

JP: Well, Johnny Porter dear, what I'm doing is getting with you this year on behalf of Defeat Diabetes Foundation here in Iowa. You've helped us many times in the past with diabetes and it is kind of you to do it. It does mean a lot [REDACTED] for the foundation and diabetes here in Iowa. Just like to know if we got you out a thank you letter, return envelope, information brochure, tax receipt and a home screening kit, could the foundation count on your continued ten dollar level sponsorship two or three weeks from now? Would that work for ya?

[REDACTED]: No, I don't know but, I mean, so...

JP: Well it's ... Defeat Diabetes Foundation here in Iowa. It's in Clive, like it goes to Clive, Iowa and what it does it helps out in different aspects of trying to find a cure for diabetes.

[REDACTED]: Where are you located at, I'm sorry?

JP: I call out of Waukee which is west of Des Moines.

[REDACTED]: Oh, OK.

JP: But, but...

[REDACTED] So what does it do?

JP: What they do is they try to help out with all different aspects of trying to find a cure for diabetes. And I figure in the next four or five years they probably will have one.

[REDACTED] Hmmph.

JP: It's actually a pretty useful thing but we do send out a return envelope, a thank you letter, information brochure in the mail along with a self testing kit. You know for, you can test yourself to see if you got diabetes or if you got symptoms of it.

[REDACTED]: Really?

JP: Um hum.

[REDACTED]: So you just poke yourself or something?

JP: No it's just like a questionnaire.

[REDACTED]: Oh.

JP: See people don't realize, it's like if you come down, OK, for instance if you come down with cancer or something like that, you know there's all these warnings and signals but you don't know what they are because you've never had it till after you catch it and you're diagnosed with it, then they tell ya, well did you ever have like night sweats or crazy stuff like that and you think, well yeah I did. Well you know, you don't know they symptoms, you know what I'm saying?

[REDACTED] Huh.

JP: Until you're diagnosed with stuff and that way there's a questionnaire thing, you just answer it and it kind of gives you an idea where you stand. But you know it is in about every family.

[REDACTED]: Yes.

JP: And now we got even fe, feline and canine diabetes. Cats and dogs and I really believe that's from feeding the animals table scraps.

[REDACTED]: Huh.

JP: My sister, she took her dog in three months ago, this ain't no kidding, and its like ten years old and he had diabetes and he died from it. They, she put him to sleep he was so bad.

[REDACTED]: Oh, that's sad.

JP: I know. I couldn't believe it 'cause I knew say cats had it but I didn't know dogs got it. It's amazing.

[REDACTED]: That is.

JP: It is weird.

[REDACTED]: Huh.

JP: But it's true.

[REDACTED]: So...

JP: And then juvenile diabetes now is really kind of a plague too because young children...

[REDACTED]: Yeah.

JP: ... are coming down with it real young. And you know, it's, it's amazing. Really it is.

[REDACTED]: So, how, how much did you, was you wanting?

JP: Whatever's comfortable for you. I ask for a free will donation. I'm not, I

mean there's stipulation to it.

█ OK, so um, if I gave fifteen dollars...

JP: That's fine.

█: Well if I gave fifteen dollars though, how much would go to, what was it called? What's the charity?

JP: Defeat Diabetes Foundation.

█: The Iowa...

JP: _____ pay overhead costs and the rest goes on.

█: So how much was the percentage?

JP: There's no certain percentage because you know you never know what you're going to bring up on a drive and you know like just pay utility bills, rent on building, and for the phone service you know and the rest of it goes on to the foundation.

█: Does, does it stay in Iowa though I wonder.

JP: Oh yeah it goes to Clive.

█: So it stays in Clive?

JP: Well actually you mail it to, yeah.

█: Oh.

JP: Yeah it stays right here in Iowa and then it goes to you know, testing centers.

█ Do you have diabetes?

JP: No but my father does and everybody in his side of the family has had it. And like one uncle he uh, he's an amputee from it. And on my mom's side, they all caught it like when they were in their 80's.

[REDACTED]: Wow.

JP: But you know I talk to a few doctors in that time and they told me, if you live long enough you're, you contact either cancer or diabetes.

[REDACTED]: That, that is probably true.

JP: Yeah I know it's a heck of a thing to look forward to, isn't it?

[REDACTED]: No. But um, so then you're, you're, you're not a volunteer?

JP: No.

[REDACTED]: OK. OK. Well yeah, um, um, when did need to have that?

JP: Well what I'll do is I'm going to send you out a return envelope, an information brochure, tax receipt, a thank you letter and home screening kit, you know, testing kit and then uh you just mail it back two or three weeks after you receive it.

[REDACTED]: OK.

JP: OK.

[REDACTED]: OK.

JP: What's your zip code in West Des Moines?

[REDACTED]: Um, well now I've, I've changed and I got, I finally got a P. O. Box.

JP: Oh I see. Oh, you're still on [REDACTED] Avenue?

[REDACTED]: No.

JP: _____

[REDACTED]: Now I'm, but I'm, but I use my P. O. Box.

JP: OK that's fine.

[REDACTED]: And um, it's by my daughter's house.

JP: What number's that?

[REDACTED]: It is P. O. Box [REDACTED].. And then, the zip code, and it's Des Moines...

JP: Yeah.

[REDACTED]: And 'cause she, she picks up my mail and stuff now. It's 5-0-3 [REDACTED].

JP: Well that's the south side.

[REDACTED]: Yeah.

JP: I lived in Des Moines many years.

[REDACTED]: Oh?

JP: Yeah. In fact, I was born in the country and when I was in fifth grade I came to Des Moines and I've been here ever since. And then I came out here to Waukee and I drove through here a lot of times and I watched the growth out here and I thought, by golly I'm going to move out here.

[REDACTED]: It's amazing.

JP: Oh it is. Well I got a nineteen year old who just graduated here, two years ago and then I got ten year old son and it's a good place for them to go to school. I wanted them to go to Lincoln 'cause that's where I graduated from...

[REDACTED]: Um hum.

JP: ...you know but I don't know. I just never could get to the south side it seemed like. And so I ended up moving out here and the kids are out in here in school and I take care of both of them. I'm you know, a single parent. But it's pretty neat really. But boy I tell you what, the growth is just tremendous. And Ankeny's the same way too now.

[REDACTED]: It's unbelievable.

JP: I haven't been out there but I'm going to go out there this weekend and check that out. Yeah I heard it's really, and I haven't been out there for quite a while. It's been a few years since I actually been out in Ankeny.

[REDACTED]: Yeah, I, I was out there not too long ago and it's like, it has really grown.

JP: It's that bad, it's that big now.

[REDACTED]: Um hum.

JP: I heard it was clear out passed where the Interstate goes up through there...

[REDACTED]: Oh yeah.

JP: ...up to Ames. I guess it's passed that isn't it?

[REDACTED]: Yeah.


JP: Now see when I was up there, it wasn't even nothing like that. But [REDACTED] what I'm going to do...

[REDACTED]: OK.

JP: ...is get this to you in the mail in a few days and want to tell you thank you for helping this year and I want you to have a good year all right?

[REDACTED]: Well thank you.

JP: You're welcome dear.

 Bye.

JP: Bye.

DEFEAT THE DIABETES FOUNDATION

10-24-07

JP: Johnny Porter

[REDACTED]: Hello?

JP: Yeah [REDACTED]?

[REDACTED]: Yeah this is [REDACTED]

JP: My name's Johnny Porter. How ya doing today?

[REDACTED]: Well fine, thank you.

JP: Good to hear you're all right. And what I'm doing [REDACTED] is I'm just calling this afternoon on behalf the Defeat the Diabetes Foundation. And you helped our foundation in the past many times and it's very kind of you to do and it does mean a lot for diabetes here in Iowa. If we got you out a thank you letter, information brochure, tax receipt, return envelope in the mail, [REDACTED] could the foundation count on your participation to continue in a couple three weeks after that? Would that be comfortable for you?

[REDACTED]: Well I think I just gave to you guys like in September, didn't I?

JP: Well I don't know for sure. I don't have any, any date on here to know exactly but I know we did do a drive back in February. You may, you probably helped then.

[REDACTED]: Huh? Um...

JP: This goes to Clive.

[REDACTED]: OK. Now so this called Beat the Diabetes Foundation?

JP: Defeat The Diabetes Foundation.

[REDACTED]: Huh.

JP: Um huh.

[REDACTED]: Huh.

JP: That stays here in Iowa and goes to Clive and we try and help you know with all kinds of procedures they're going through to try and figure out a cure and I be on my own belief in the next four or five years they probably will have one, which would be tremendous.

[REDACTED]: That, it would be tremendous.

JP: Yeah 'cause I think it's in every family on one side or the other it seems like.

[REDACTED]: Well it's affected so many people.

JP: Oh yes.

[REDACTED]: But, um, then so you're located in Clive?

JP: Yes dear.

[REDACTED]: Oh, OK. OK so if I gave fifteen dollars, how much of my fifteen dollars would go directly to uh, Beat the Diabetes Foundation, you said?

JP: This is, this here's uh, non-profit foundation.

[REDACTED]: So how much goes to it?

JP: It be uh, at least 80%.

[REDACTED]: 80% would go to the cause?

JP: Yes dear.

[REDACTED]: Wow. Um, that sounds very good um, and so...

JP: And you'll get an information brochure, tax receipt, a return envelope and thank you letter in the mail.

[REDACTED]: OK. And then...

JP: You don't have to have it back to us for a couple three weeks after receive that.

[REDACTED]: Oh, OK. Um, 'cause I am on a limited income and so that would be best for me if I could wait two to three weeks before I would send it out. But now, will it stay though here in Des Moines or in Clive, the surrounding, you know suburbs and stuff?

JP: Yep.

[REDACTED]: It will? Oh good. Well then good. Yeah, go ahead and send that out to me.

JP: May I ask [REDACTED] what's your zip code here in Des Moines?

[REDACTED]: We're at uh 5-0-3-[REDACTED]

JP: And are you still using P. O. Box [REDACTED]?

[REDACTED]: Yes.

JP: OK I'll get this to you in a few days and I want to tell you thank you for helping and you guys have a good year.

[REDACTED]: OK, well are you, I was just wondering, do you have diabetes?

JP: No but my father does really bad.

[REDACTED]: Oh, do, are you a volunteer?

JP: Yeah.

[REDACTED]: OK. Well go ahead and send that out to me and I, two to three weeks is when, when I'll be able to send it in, OK?

JP: OK. Thank you.

[REDACTED]: Uh hum. Bye.

JP: Have a good year.

[REDACTED]: You too.

JP: Thank you.

[REDACTED]: Bye.

JP: Bye.

DEFEAT DIABETES FOUNDATION

1-23-08

G-: Gary

G-: Is this [REDACTED] um [REDACTED] home?

[REDACTED]: It's [REDACTED] and this is her.

G-: Great, well this is Gary here and I'm calling on behalf of Defeat Diabetes Foundation and how ya doing today?

[REDACTED]: Very good.

G-: Just calling to thank you for your support in the past and we're now doing our annual drive again and as in previous years I, it goes to Defeat Diabetes and you've been so kind to help us out in the pas so a generous donation, can we count on you for that again?

[REDACTED]: Now I'm sorry, who was this?

G-: I'm Gary and I'm calling on behalf of Defeat Diabetes Foundation.

[REDACTED]: OK, and so I've given before?

G-: Well you've given like probably a year ago or a year and and a half ago or uh...

[REDACTED]: OK how much was that?

G-: Well I got you wrote down here as forty dollars.

[REDACTED]: Ewe, ewe, hmph.

G-: Do you want to do that much?

[REDACTED]: Oh there's no way I can do that much um...

G-: Twenty-five work?

[REDACTED]: No, I'm, it's, with groceries the they're, I can maybe do ten.

G-: OK, groceries are taking all the budget huh?

[REDACTED]: Oh my gosh.

G-: Donation budget and more right?

[REDACTED]: Um hum, that is so true.

G-: Yeah, well you're um, um, you're [REDACTED]?

[REDACTED]: Um hum.

G-: And I haev uh [REDACTED], [REDACTED] P. O. Box [REDACTED] Des Moines. What's your zip code there?

[REDACTED]: It is uh, 5-0-3-[REDACTED]

G-: 5-0-3-[REDACTED]

[REDACTED]: OK, well now, OK, of my ten dollars, how much will um, it go to Defeat Diabetes?

G-: Eighty percent ma'am.

[REDACTED]: OK. Um, and does it stay here in Des Moines?

G-: Yeah, it stays in Iowa.

[REDACTED]: Oh, it stays in Iowa.

G-: Yeah.

[REDACTED]: And so what does it go to exactly?

G-: Oh um, job assistance, rehabilitation, um, you know um, public awareness,

um...

[REDACTED]: Job assistance?

G-: Um, research, research and things like that.

[REDACTED]: When you say job assistance, you help people with diabetes get a job?

G-: Yeah we do help anybody if, if they're in need of a job you know and we can try to lead them in the correct direction like anybody would do.

[REDACTED]: Hmph. Well how do they contact you?

G-: Well, we all as uh send our literature out like we sending stuff out to you...

[REDACTED]: Um hum.

G-: And um, the job assistance is something we don't really get involved with, just more so um public re, research...

[REDACTED]: Oh.

G-: ...and, and, public awareness.

[REDACTED]: Oh.

G-: And things of that nature.

[REDACTED]: Hmph. Do you have diabetes?

G-: Uh, no I don't have diabetes. My father had it and my brother-in-law's got it.

[REDACTED]: Um...

G-: So...

[REDACTED]: OK. Um, do you volunteer then?

G-: Yep.

[REDACTED]: OK. Well go ahead and send that out to me but I'm sorry I can only give ten dollars.

G-: That's OK.

[REDACTED]: OK.

G-: Thanks a lot ma'am.

[REDACTED]: Um hum, bye.

G-: Have a wonderful day.

[REDACTED]: You too.

G-: You too.

G-: Good bye.

[REDACTED]: Bye.

DEFEAT DIABETES FOUNDATION

1-28-08

C?: Chris

[REDACTED]: Hello.

C?: Hello is this [REDACTED]?

[REDACTED]: This is [REDACTED]

C?: Hi [REDACTED], my name is Chris. I was calling you today for Defeat Diabetes Foundation. We do a drive each year to gain support in our fight against diabetes. And you've been so nice to pitch in in the past, if I send you a pledge package for the new year, could we count on a small donation?

[REDACTED]: Well that's odd because I just got call, I don't know if, one day last week from you folks.

C?: Oh you did?

[REDACTED]: Uh hum.

C?: OK, well I didn't know anybody had even contacted you. They didn't make note of it that they got through to ya.

[REDACTED]: But um, like I told the guy I could give ten dollars.

C?: Uh hum. But you did speak to somebody?

[REDACTED]: Uh hum.

C?: OK well I won't mail this out to ya, we'll just see if it shows up and you take care of it and if it doesn't show up, we'll get back to you.

[REDACTED]: OK, do.

C?: All right [REDACTED].

 Bye.

Q: Bye, bye.

DEFEAT DIABETES

7-23-08

EM: Eric Majors

[REDACTED]: Hello?

C?: [REDACTED]?

[REDACTED]: This is [REDACTED]

C?: This is Chuck with your Defeat Diabetes Foundation.

[REDACTED]: Yes.

C?: I just called to say thanks for your passed support. We're doing our annual drive for diabetes and you're always so kind to help, can they count on you this year?

[REDACTED]: Oh, now who, this was Defeat Diabetes?

C?: Yeah, Defeat Diabetes in Iowa. We're here in Clive, Iowa. We call every year and some people every other year.

[REDACTED]: So I have given before?

C?: Oh you bet.

[REDACTED]: Do you know when?

C?: Well either last year or the year before, we go back two years.

[REDACTED]: Oh, OK. Do you know how much?

C?: Well it shows thirty-five?

[REDACTED]: Ewe. Ewe.

C?: You must have been feelin' rich or you got luck at the casino. You ever go out there?

[REDACTED]: No, I don't. I don't, I...

C?: I mon, I money with it every now and then but it's been quite a while.

[REDACTED]: No I just don't like to blow my money that way I guess but I...

C?: I don't blame you.

[REDACTED]: I could probably go ahead and give fifteen?

C?: Well bless your heart. What's your zip?

[REDACTED]: It's 5-0-3-[REDACTED].

C?: And your box number is [REDACTED]?

[REDACTED]: Uh hum.

C?: Well that's a long one.

[REDACTED]: Uh hum.

C?: I'll send you out a brochure and a thank you letter and a receipt and an envelope to send back to Defeat Diabetes as soon as you can.

[REDACTED]: OK of my fifteen dollars that I'm going to give to, to Defeat Diabetes, how much will go to the cause?

C?: I would say most of it. We send most of it to Iowa City for study and research for the cure of diabetes. I think we keep enough to pay the phone bill and keep the light on.

[REDACTED]: Well do you think it's more than half then?

C?: Oh most certainly.

[REDACTED]: OK.

C?: Oh my goodness yes.

[REDACTED]: OK and so it goes to Iowa City so it doesn't, does it come back to this area at

all, Des Moines?

C?: It comes back to the, to the, they just try and find a cure for diabetes period.

[REDACTED] Oh, oh, OK. OK and well you send that out, OK?

C?: I sure will.

[REDACTED] OK.

C?: Thank you [REDACTED]

[REDACTED] You're welcome.

C?: Bye.

[REDACTED] Bye.

DEFEAT DIABETES FOUNDATION

9-1-08

C?: Charles

[REDACTED]: Hello?

C: Yes is this [REDACTED]?

[REDACTED]: This is [REDACTED]

C?: Ma'am, [REDACTED], Charles giving you a call for Defeat Diabetes Foundation here in Des Moines. How's ya doing today?

[REDACTED]: Good.

C?: OK. I just want to get back and thank you for the support you give to the foundation. And it helps out with the awareness, to know the signs of being a diabetic and it also provides education that saves lives. We send every, everything out in the mail with a return envelope. Can the _____ same small support like you did last time ma'am? You did fifteen bucks.

[REDACTED]: Oh I did give before and fifteen dollars?

C?: Yes ma'am.

[REDACTED]: Now what exactly does this go to, I'm sorry?

C?: It helps out the, the Defeat The Diabetes Foundation. It helps out with education and awareness...

[REDACTED]: So...

C?: Twenty million Americans with diabetes and a lot of them don't even know they have it.

[REDACTED]: Well then, where are you located at?

C?: I'm calling right here from West Des Moines. Ma'am on Westowne

Parkway.

[REDACTED]: Oh, OK.

C?: The money stays right here in Iowa. We don't need it right away. It takes about a week to get to you, you just have to send it back a week or two after you get it with a check or money order.

[REDACTED]: So of the, of the fifteen dollars that I'm going to give, what goes to Defeat Diabetes?

C?: Well it helps, well it helps Iowa trips to and from the hospitals. It helps out with awareness, with, and it also helps out with education.

[REDACTED]: Well how much of the money though, I mean do you have a percentage of how much will go?

C?: Well, we send all that out in the brochure like we did last time.

[REDACTED]: Oh OK. And you said it stays in Iowa, just not here in Des Moines?

C?: It stays right here in the, in, stays right here in Iowa.

[REDACTED]: OK. Well then, how do these people contact you?

C?: How does who contact me?

[REDACTED]: The people with diabetes.

C?: Oh no, I, I call for the foundation ma'am. You know what I'm saying. They, they, they'll goes into a fund, it goes into a pool and it helps the foundation out ma'am.

[REDACTED]: Oh...

C?: Like I say, we send everything out in the mail so you can read about it first...

[REDACTED]: OK.

C?: ...you know what I'm saying.

[REDACTED]: OK well then, so you work there in Westowne Parkway?

C?: Yes ma'am.

[REDACTED]: OK, well I can only give fifteen, I tell ya with...

C?: OK.

[REDACTED]: ...everything going up.

C?: That helps a lot.

[REDACTED]: OK.

C?: You still at P. O. Box [REDACTED]?

[REDACTED]: Yes.

C?: OK and your zip code, 5-0-3-[REDACTED]?

[REDACTED]: No it's, 5-0-3-[REDACTED].

C?: 1-5. I, I get it kind of slow.

[REDACTED]: Um hum.

C?: OK and M [REDACTED] we'll get everything out in the mail. Thank you for standing behind the foundation and you and your family have a very safe year, OK?

[REDACTED]: Thank you.

C?: Have a good day ma'am.

[REDACTED]: Um hum. Bye.

DIABETES CAMPAIGN OF IOWA

11-2-08

BM: Bill Miller

BM: [REDACTED]?

[REDACTED]: This is [REDACTED]

BM: This is Bill Miller here in Des Moines with the Diabetes Campaign of Iowa. How are ya?

[REDACTED]: Very good.

BM: Well good for you. We want to thank you for past support. We are conducting the annual sponsor that we do it once a year in the fight against diabetes. We're simply hoping that ten dollar pledge this time next month in December won't be too much to ask, it helps out for the whole year. Tax deductible. Stays right here in Iowa. Would that be OK with ya?

[REDACTED]: OK this is whom?

BM: The Diabetes Campaign of Iowa.

[REDACTED]: OK. Did I give before?

BM: Yes ma'am you have. It's been the 22nd in November is the last time you gave and that was last year.

[REDACTED]: Oh OK and how much was that?

BM: It showed twenty but if you could do that, that'd be great. If you want to do ten it, it doesn't matter. Whatever works for your budget.

[REDACTED]: OK and where are you located?

BM: We're right here in Des Moines ma'am.

[REDACTED]: OK if I gave ten dollars, how much would go to the Diabetes Foundation?

BM: The only thing that comes out of it, is the cost of the mailing and the phone call _____ probably nothing out of that so forty six cents I think. Forty-two cents.

[REDACTED]: So do you think it's more than half will go?

BM: Yeah, of course. You bet.

[REDACTED]: OK and does it stay here in like Des Moines or does it go for all of Iowa?

BM: It stays right here in Des Moines ma'am.

[REDACTED]: Oh OK. Great.

BM: So...

[REDACTED]: Are you a volunteer?

BM: Yes ma'am I am.

[REDACTED]: OK well if you, I can, I can do fifteen.

BM: OK well super.

[REDACTED]: OK.

BM: P. O. Box [REDACTED]?

[REDACTED]: Yes.

BM: OK what's your zip code on your side of town?

[REDACTED]: I'm at 5-0-3-[REDACTED]

BM: OK we'll get it in the mail. Thanks for helping [REDACTED]

[REDACTED]: Oh you're welcome.

BM: Bye, bye.

[REDACTED]: Bye.

DEFEAT DIABETES FOUNDATION

4-7-09

TJ: Tim Johnson

[REDACTED]: Hello?

TJ: Hello is this [REDACTED]?

[REDACTED]: This is [REDACTED]

TJ: [REDACTED] this is Tim Johnson and I'm calling on behalf of the Defeat Diabetes Foundation. How you doing today?

[REDACTED]: Oh pretty good, thank you.

TJ: Good, good. I'll be real brief, we're doing our annual drive and in the previous years our goal is to defeat diabetes and [REDACTED] diabetes is a life threatening illness affecting nearly twenty million Americans and the problem is many of them are children and many over half of them actually don't know they have diabetes and that's where we come in, we try to get into the schools and into the malls an stuff and get the children tested and try to get early detection because if we, detected early it's manageable but if it's not detected early it can lead to some serious health problems and [REDACTED] you've been so kind in the past to help us we're just hoping we could count on your support this year, and as our way of saying thank you we'll send you an informative brochure, and a home screening test for diabetes. Um, [REDACTED] can we count on your help this year?

[REDACTED]: OK, so I have given before then?

TJ: Yes.

[REDACTED]: OK, do you know when?

TJ: Um, it would have been last year?

[REDACTED]: Oh, can you tell me how much?

TJ: Twenty-five dollars.

[REDACTED]: Mmm. And you said your name was Tim Johnson?

TJ: Tim Johnson.

[REDACTED]: And uh, where are you located?

TJ: Um we're in Des Moines.

[REDACTED]: Oh OK. OK. I gave twenty five dollars, I can probably do twenty-five dollars but can you tell me of the twenty five dollars how much will go to Defeat Diabetes?

TJ: Um, I don't have the exact number, I mean I'm kind of new um, I don't know the exact percentage but I know, I mean we're one of the better charities out there as far...

[REDACTED]: Can, can you tell me if it's more than half?

TJ: Oh yeah.

[REDACTED]: Oh OK.

TJ: Yeah definitely.

[REDACTED]: Does it stay here in Des Moines?

TJ: No we don't have any commission salesmen or anything like that. We're all non-commissioned.

[REDACTED]: Oh, OK.

TJ: So and it all stays in Iowa...

[REDACTED]: Oh in Iowa. OK.

TJ: Yeah. Well predominantly Des Moines but it, it stays in Iowa. Um we do go outside of Des Moines but um, we don't go outside of Iowa at all.

[REDACTED]: Oh good. OK. Um, are you a volunteer then?

TJ: Yes.

[REDACTED]: OK, well I can go ahead and do twenty-five again this year.

TJ: OK. Are you still at P. O. Box [REDACTED]?

[REDACTED]: Yes.

TJ: And what's the zip code there?

[REDACTED]: That is uh, 5-0-3-[REDACTED]

TJ: OK, super and I will get this in the mail to and just some time you know here in the um month if you can get that back to us that would be great.

[REDACTED]: OK.

TJ: All right. Thanks, [REDACTED]

[REDACTED]: You're welcome.

TJ: Bye, bye.

[REDACTED]: Bye.

DEFEAT DIABETES

6-2-09

C?: Chuck

[REDACTED]: Hello?

C?: [REDACTED]?

[REDACTED]: This is [REDACTED]

C?: This is Chuck with your Defeat Diabetes Foundation. I'm just calling to say thanks for your past support. We're doing our annual drive for diabetes. Can we can count on you again this year?

[REDACTED]: Now this was Chuck with whom?

C?: Defeat Diabetes Foundation here in Clive, Iowa. It's the Iowa chapter, not the national.

[REDACTED]: Oh.

C?: Yep.

[REDACTED]: And I given before then?

C?: It shows you have last year or the year before.

[REDACTED]: Oh.

C?: Yep.

[REDACTED]: Huh.

C?: Box [REDACTED]?

[REDACTED]: Uh huh (affirmative).

C?: Des Moines, Iowa. [REDACTED] [REDACTED].

[REDACTED]: Oh I guess I have. I give a lot to different charities and stuff. But, now how much of my donation would go to Defeat Diabetes?

C?: Well it's a, it's a non profit organization. Um, I don't know exactly how much. I'm just a phone person here.

[REDACTED]: Do you think it's more than half?

C?: I don't know [REDACTED] I have...

[REDACTED]: OK.

C?: ...they, I don't know.

[REDACTED]: Can, can you tell me how much I gave last time?

C?: It shows twenty-five one year.

[REDACTED]: Oh OK. Huh.

C?: Yep.

[REDACTED]: OK well um...

C?: We send you...

[REDACTED]: ...I could...

C?: Go ahead.

[REDACTED]: I supposed I could um go ahead and donate twenty this year.

C?: Well that'll be great and your box number is still [REDACTED]?

[REDACTED]: Um hum (affirmative).

C?: And that's Des Moines. I don't have your zip.

[REDACTED]: OK it's 5-0-3-[REDACTED]

C?: 5-0-2-[REDACTED]?

[REDACTED]: No 5-0-3-[REDACTED]

C?: 3 [REDACTED]

[REDACTED]: Uh hum (affirmative).

C?: Got my eyes fixed, now my ears don't work. I'll send you a brochure, a thank you letter, a receipt and an envelope to send back to Defeat Diabetes as soon as you can.

[REDACTED]: OK so what does this money go to?

C?: It's a public awareness program. Uh, Defeat Diabetes our primary focus is early identification of diabetes and pre-diabetes utilizing them. The Defeat Diabetes advocacy community outreach and school programs. It's more of a public awareness thing. Then we send you out a diabetes uh, uh, oh what you call it, a screening test to uh, to see if you diabetes without knowing it. A lot of people have it and don't even know it. So it's more of a public awareness thing than anything.

[REDACTED]: Oh, OK. Are you a volunteer?

C?: No I get paid for my efforts.

[REDACTED]: OK. Well go ahead and send that out then.

C?: I sure will.

[REDACTED]: OK.

C?: Thank you [REDACTED]

[REDACTED]: Bye.

C?: Bye.

DEFEAT DIABETES

8-11-09

BM: Bill Miller

[REDACTED]: Hello?

BM: Is this [REDACTED]?

[REDACTED]: This is [REDACTED]

BM: This is Bill Miller. I'm with Defeat Diabetes here in Des Moines from a year ago. How are you today?

[REDACTED]: Good.

BM: Hey super. Hey [REDACTED] we called back and we wanted to thank you. It was simply for your support just over a year ago and we merely hoping in September, next month, if I got everything back in the mail, it is tax deductible, and it helps for one whole year, until next year in September, would you consider the same fifteen dollar pledge? Could you do that again?

[REDACTED]: And what is your name?

BM: My name is Bill Miller.

[REDACTED]: And you're with Defeat Diabetes?

BM: Defeat Diabetes ma'am.

[REDACTED]: And are you located here in Des Moines?

BM: Yes we're right here by Valley West Mall ma'am.

[REDACTED]: Oh, OK. Well how much of my money will go to Defeat Diabetes?

BM: The only thing that's going to come out of it because you do make your check directly to Diabetes Foundation, is the forty-six cents for the postage and handling.

[REDACTED]: OK. Do you think that's more than half would go to Defeat Diabetes?

BM: Yes ma'am. Yes. Definitely.

[REDACTED]: OK.

BM: I wouldn't be doing this unless, I knew for sure plus I do have diabetes as well so.

[REDACTED]: My husband does to.

BM: OK, yeah...

[REDACTED]: And...

BM: Not a fun thing to have.

[REDACTED]: No it isn't. It really truly isn't.

BM: My mother, she, she passed away from diabetes and worse she passed it on to me and my sister.

[REDACTED]: Yeah.

BM: So she was pretty early when she passed.

[REDACTED]: Does the money stay here in Des Moines?

BM: Yes. Yes ma'am.

[REDACTED]: OK, are you a volunteer then?

BM: Yes ma'am.

[REDACTED]: OK, can you tell me how much I gave last time?

BM: You gave fifteen.

[REDACTED]: OK, go ahead. I can go ahead and do that then OK?

BM: I'll put it in the mail. Thanks for helping again.

[REDACTED]: OK you got my address then, right?

BM: P. O. Box [REDACTED]

[REDACTED]: Yes.

BM: And your zip code on your side of town is?

[REDACTED]: 5-0-3-[REDACTED]

BM 0-3-[REDACTED] OK. Enjoy the rest of your day [REDACTED]

[REDACTED]: OK, thank you.

BM: Bye, bye.

[REDACTED]: Bye.

DEFEAT DIABETES FOUNDATION

9-22-09

[REDACTED]: [REDACTED]

C?: Chuck

[REDACTED]: This is [REDACTED]

C?: This is Chuck with your Defeat Diabetes Foundation. I just called to say thanks for your past support. We're doing our annual drive for diabetes. Can we count on you again this year?

[REDACTED]: I'm sorry, who is this?

C?: Defeat Diabetes Foundation here in Clive, Iowa. For the Iowa chapter.

[REDACTED]: What do they do?

C?: Well I know one year you gave thirty-five dollars. We was wondering what we can count on you for this year?

[REDACTED]: OK, what does the, Defeat, what is it again? Defeat Iowa Diabetes?

C?: Yeah, it's Defeat Diabetes Foundation. It's our primary focus is early identification of diabetes and utilizing diabetes advocacy and community outreach and school programs. It's a public awareness program. We send you out a diabetes check form to see if maybe you have it or, many, many people that have it and don't even know it.

[REDACTED]: OK how much of my donation would go?

C?: Well it's a non-profit organization as far as I know. Most of it, as far as I know.

[REDACTED]: Do you think more than half?

EXHIBIT XII

C?: Oh most certainly.

[REDACTED]: OK well I know I can't do thirty-five. I could probably do twenty though.

C?: All right. What's your zip code?

[REDACTED]: I'm at 5-0-3-[REDACTED]

C?: 3-[REDACTED]. And your box number is [REDACTED]?

[REDACTED]: Yes.

C?: I'll send you a brochure, a thank you letter, a receipt and an envelope to send back to Defeat Diabetes as soon as you can.

[REDACTED]: OK.

C?: Thank you Lynda.

[REDACTED]: Um hum. Bye.

C?: Bye.

DEFEAT DIABETES FOUNDATION

3-3-10

[REDACTED]: [REDACTED]

JD: Jim Davis

JD: Hi [REDACTED]?

[REDACTED]: This is [REDACTED]

JD: Hi this is Jim Davis. I'm with Defeat Diabetes Foundation. How are you today?

[REDACTED]: Good.

JD: Well great. The reason dear you know we do a drive each year trying to gain support for the fight against diabetes. And I see you've been so kind to help in the past, if I mail a pledge package out this year can we count on your continued help?

[REDACTED]: OK, I'm sorry this is Defeat Diabetes Foundation?

JD: Yes it is.

[REDACTED]: And your name?

JD: My name is Jim Davis.

[REDACTED]: Jim Davis, OK. And so I've given before?

JD: I assume you have. They have you down here.

[REDACTED]: Oh OK.

JD: [REDACTED] [REDACTED]. Box [REDACTED]?

[REDACTED]: Yes. Um hum.

JD: Yep, looks like you've actually helped us twice. Both with twenty dollars.

[REDACTED]: Oh, does it say when?

JD: It, no. Unfortunately, what they, I, I work just off a little, little caller I.D. box.

[REDACTED]: Oh.

JD: And it has your name, your address and you're here in Des Moines. They erase the zip code and put the amount in that you've helped with in the past.

[REDACTED]: OK and, does this money stay here in the Des Moines area or...

JD: It stays in the whole state of Iowa.

[REDACTED]: In the state...

JD: We work in all ninety-nine counties here in Iowa. Yes.

[REDACTED]: OK. Well if I, I know I can't do twenty because I'm just really low on funds...

JD: Oh that's fine. We don't expect that. That's why we call each year because we know things change from year to year.

[REDACTED]: Yes...

JD: Now rather than lose a bunch of money on postage and everything we just you know it's easier to lose twenty cents on a phone call, than it is to lose money on postage and handling and all that good stuff so...

[REDACTED]: OK if I were to give fifteen, how much would go to the people with diabetes?

JD: The only thing that we take out, and I, in the percentage wise I really have no clue. We take out the monies for the phone calls, and whatever they pay for the, the postage and handling...

[REDACTED]: Would...

JD: And that's the only thing that comes out. What percentage I really don't know [REDACTED]?

[REDACTED]: Do you think it's more than half?

JD: Oh no, no I think it's probably, I'd say it's more on seventy thirty than I

would anything else. But...

[REDACTED]: Seventy to the, the Defeat Diabetes?

JD: Yes. Yes. Yes. Yes.

[REDACTED]: OK. OK. Well like I said I can do, go ahead and do fifteen this year.

JD: Oh that's great. Now everything's the same, the only thing, like I need your zip code.

[REDACTED]: It's at 5-0-3 [REDACTED].

JD: 3- [REDACTED] OK. Now this is what I'm sending. A thank you letter, a tax receipt, I'm going to put my name on your receipt, Jim Davis, simply so you remember the guy you talk with. They'll be an in-home screening test in there for diabetes and I encourage everyone to take a few minutes out of your day with a loved one, a next door neighbor. Take the test and it could save a life.

[REDACTED]: OK.

JD: OK? All right. Well thank you very much [REDACTED]. You and your family have a safe year OK?

[REDACTED]: OK, thanks.

JD: Thank you very much.

[REDACTED]: Bye.

JD: Bye, bye.

DEFEAT DIABETES FOUNDATION

3-16-10

JD: Jim Davis

JD: [REDACTED]?

[REDACTED]: This is [REDACTED].

JD: This is Jim Davis here in Des Moines. I'm with Defeat Diabetes Foundation. How are you today?

[REDACTED]: Very good.

JD: Good. The reason I'm calling, first off I do want to say thank you ever so much for your help and support. You probably know somebody with diabetes, do you?

[REDACTED]: Um hum.

JD: I'm not a bit surprised. Well listen now, it's that time of year when we're mailing out our pledge envelopes, can we count on your help once again?

[REDACTED]: Oh, I've given before?

JD: They've got you down here several times for twenty dollar donation.

[REDACTED]: Oh well I get a lot of calls so it's hard to keep everything straight.

JD: Oh OK, I understand. I understand. I guess I'm lucky. I don't get home until late at night and I don't get the phone calls everybody else does.

[REDACTED]: Well...

JD: I hear everybody else is being just swamped and bombarded...

[REDACTED]: Yeah. So and you said I've given before and it's always been twenty dollars?

JD: That, yeah, they've got you down here for a total of forty dollars, yes.

[REDACTED]: Oh, OK, where are you located?

JD: Here in Des Moines.

[REDACTED]: Oh. OK.

JD: Urbandale, actually.

[REDACTED]: In Urbandale, OK. If I were to give, oh I can't do twenty, oh...

JD: It's whatever you feel comfortable with. If you could do ten, that'd be fine.

[REDACTED]: OK. If I were to give ten dollars how much would go to the people with diabetes?

JD: Well never, none of it goes to the people.

[REDACTED]: What does this go for?

JD: OK. We do public awareness campaigns. High schools, libraries, television, educating the public on diabetes, sign and symptoms, you know with, with today our, our young kids, even twelve years old are coming down with type 2 diabetes which is usually the adult onset.

[REDACTED]: That's terrible.

JD: Now we do, we do it all for public awareness.

[REDACTED]: OK well how much of my fifteen or ten dollars would go to...

JD: The only thing that comes, the only thing that we take out is, I think we pay twenty cents a phone call and then postage and handling which is what, forty-six cents.

[REDACTED]: And so it's, is it more than half?

JD: Oh yes.

[REDACTED]: OK. Are you a volunteer?

JD: I am because I have so much diabetes in my family. I, I, unfortunately I can't afford to, to help out financially.

[REDACTED]: Um hum.

JD: I come in a couple of times each year to help make phone calls. I lost a mother with diabetes, in fact I watched her, they took her life, one toe at a time until they took her whole leg from her.

[REDACTED]: Mmmm.

JD: I've got a sister, her, her daughter and her son both had juvenile diabetes when they were eight. Both now in their, their thirties and doing quite well what they call the diabetic pump. I found out fifteen years ago that I have type 2 diabetes myself. And I hate to admit it but it's taken me that long just to get it under control.

[REDACTED]: Mmmm.

JD: And about forty-five pounds later.

[REDACTED]: Wow.

JD: So...

[REDACTED]: Well, does the money stay here in my local area or?

JD: Oh it stays here in Iowa, yes .

[REDACTED]: OK.

JD: We, we work in all ninety-nine counties.

[REDACTED]: OK.

JD: Absolutely.

[REDACTED]: OK well I can only do ten this year, OK?

JD: Oh it's fine.

[REDACTED]: OK.

JD: No whatever feel, you know the last thing I want to do is hurt anybody financially.

[REDACTED]: Right.

JD: So... OK. Ten dollars. You got a post office box?

[REDACTED]: Yes.

JD: [REDACTED]

[REDACTED]: Yes.

JD: But I don't have a zip code.

[REDACTED]: OK it's 5-0-3 [REDACTED]

JD: [REDACTED] OK. I'll mail everything out today. Just return it when you can.

[REDACTED]: OK.

JD: Oh with that, you know I was going to tell you with that, I'm going to send an in-home screening test for diabetes. It's just a simple questionnaire but if, if you answer the questions truthfully, it'll tell whether or not you're a candidate for diabetes and if it's serious enough to check up with your own family doctor.

[REDACTED]: Oh, that would be great.

JD: We've saved a lot of lives doing that so, I, and I encourage everyone to take a few minutes out of the day with a family members, even a next door neighbor.

[REDACTED]: Um hum.

JD: All righty?

[REDACTED]: OK.

JD: Well thank you so much.

[REDACTED]: Oh you're welcome.

JD: Bye, bye.

[REDACTED]: Bye.

DEFEAT DIABETES FOUNDATION

8-25-10

T?: Tim

T?: Uh, [REDACTED]?

[REDACTED]: This is [REDACTED]

T?: Hi [REDACTED], Tim calling out of Des Moines here um, from last year with the Defeat Diabetes Foundation, how are ya?

[REDACTED]: Good.

T?: [REDACTED] we're having our statewide fund-raiser this year uh we're focusing on raising awareness to the disease across Iowa as well as early detection with children, which is critical as you know. We're just hoping if we mailed out our home screening test and our brochure in about a month, could we count on your support in a small way [REDACTED]?....Like the first week in October.

[REDACTED]: OK um, so this is Defeat Diabetes?

T?: Um hum (affirmative).

[REDACTED]: And I've given before?

T?: Um hum (affirmative). You did. You sure did.

[REDACTED]: OK, can you tell um, how much of my donation would go the kids diabetes?

T?: Certainly. Um first off let me tell ya [REDACTED] that one hundred percent of it stays in Iowa.

[REDACTED]: OK.

T?: Um and everything goes except the printing, the postals, the mailings and this phone call. It is kind of a couple of hours a week, that I do.

[REDACTED]: Oh OK. Um, do you think it's more than half then?

T?: Oh yeah.

[REDACTED]: Oh, more than half goes to them.

T?: Oh, oh yeah.

[REDACTED]: Oh good. Well um where are you located then?

T?: In Des Moines.

[REDACTED]: In Des Moines.

T?: Right, right here out, out, right behind Valley West Mall.

[REDACTED]: Oh, OK. And you said it does stay here in Iowa right?

T?: Mails, mails right back here to Des Moines.

[REDACTED]: Oh OK.

T?: Actually Clive but...

[REDACTED]: Um hum (affirmative). Oh OK. OK. Well um, hmpf, let's see I'm trying to think, well are you a volunteer?

T?: Yeah.

[REDACTED]: OK, would fifteen dollars help out at all?

T?: Well heck yeah.

[REDACTED]: OK, I can do fifteen then.

T?: P. O. Box [REDACTED]?

[REDACTED]: Yes.

T?: Well I've never seen one that long before.

[REDACTED]: Lot of people.

T?: What's the zip on your side of town.

[REDACTED]: It'd be uh 5-0-3 [REDACTED]

T?: Oooh. Well hey neighbor.

[REDACTED]: Oh?

T?: Yeah, I live right off of Pleasant, I live on Pleasantview Drive.

[REDACTED]: Oh, OK, OK. Um hum (affirmative).

T?: All right M [REDACTED], we'll, we'll get this out to you.

[REDACTED]: And you said I don't have to have it back till October?

T?: Right. I mean it may come out quicker, we just ask for you to put it up on there refrigerator or something so you don't forget about us.

[REDACTED]: OK. That...

T?: OK.

[REDACTED]: That's sounds good.

T?: Thanks [REDACTED]. Bye.

[REDACTED]: Bye.

DEFEAT DIABETES FOUNDATION

11-15-10

TW: Tim Watson

TW: ...I'm with the Defeat Diabetes Foundation of Iowa. How are ya?

[REDACTED]: Good.

TW: You know November is diabetes awareness month.

[REDACTED]: I seen that.

TW: Well that's exactly why we're calling. We're trying to spread awareness to the disease and promote early detection in children. If I mail out our brochure with a home screening test, can we count on your support in a small way?

[REDACTED]: OK, what does this go for?

TW: The, Defeat Diabetes out of Clive. It comes out with our brochure explaining all the things about the disease including a twenty question test that we encourage neighbors, nephews, nieces, grandchildren to take. 'Cause it, you score yourself at the bottom and you're either low, medium or a high risk for the disease and catching it early in one little person's life is, is all we are trying to do. And one is just better than none so, if I mailed it out to you could you do something small for us?

[REDACTED]: Well, can you tell me have I given before?

TW: Yeah looks like you helped us out with a small ten dollar pledge last year.

[REDACTED]: Last year, about this time or...

TW: Yep, in November.

[REDACTED]: Oh OK.

TW: Diabetes awareness month.

[REDACTED]: OK and can you tell me how much of my donation will go to Defeat Diabetes?

TW: Certainly. I can't tell you the percentage 'cause I don't know what we pay, but I can tell you that the cost of, is backed out for the brochures, the postage and this phone call. And I just come in for a few hours a week to help out.

[REDACTED]: Well do you think it's more than half?

TW: I would imagine 'cause I mean it's, the brochures, the brochures it can't be maybe more than a dime a piece. You know, the phone call, I don't know, twenty cents, you know...

[REDACTED]: OK. But you...

TW: Yeah.

[REDACTED]: ...you think it's more than half?

TW: And I can tell you a hundred, a hundred percent of it does stay right here in Iowa.

[REDACTED]: Oh good.

TW: It mails right back here to Clive.

[REDACTED]: Oh, OK, good, good. Well then are you a volunteer?

TW: Yeah.

[REDACTED]: Oh OK. Well I can do fifteen.

TW: OK. Box, is that Box [REDACTED]?

[REDACTED]: Yes.

TW: And what's the zip on your side of town there?

[REDACTED]: It's 5-0-3-[REDACTED]

TW: Oh. My, my old neighborhood. I used to live on [REDACTED] Drive. Do you know where that is?

[REDACTED]: Oh...

TW: It's right by, it's right by [REDACTED] Avenue.

[REDACTED]: Oh yes, yes I do. Um hum (affirmative).

TW: Yep.

[REDACTED]: OK.

TW: OK we'll get it into the mail to you.

[REDACTED]: OK.

TW: Thank you.

[REDACTED]: Um hum (affirmative). Bye.

TW: Bye, bye.

DEFEAT DIABETES FOUNDATION
RESIDENTIAL PRESENTATION

** (USE PROPER DISCLOSURE, AS REQUIRED FOR YOUR STATE, WHEN APPLICABLE) **

HELLO, M/M_____ THIS IS _____ CALLING ON BEHALF OF THE DEFEAT DIABETES
FOUNDATION... HOW ARE YOU (THIS EVENING - TODAY - TONIGHT)?!

L-I-S-T-E-N AND RESPOND WITH FEELING

WHEN YOU RESPOND, SOUND AS IF YOU MEAN WHAT YOU'RE SAYING!

I'LL BE REAL BRIEF.....WE'RE DOING OUR ANNUAL DRIVE, AND AS IN PREVIOUS
YEARS, OUR GOAL IS TO DEFEAT DIABETES!!! M/M_____DIABETES IS LIFE
THREATENING, AFFECTING AN ESTIMATED 20 MILLION AMERICANS, MANY OF
WHICH ARE CHILDREN.....THE PROBLEM IS, HALF OF THOSE WITH DIABETES DON'T
EVEN KNOW THEY HAVE IT.....BUT WITH EARLY DETECTION DIABETES IS
MANAGEABLE.....THIS IS ESPECIALLY IMPORTANT FOR THE CHILDREN !!!

M/M_____, (YOU HAD BEEN SO KIND TO HELP IN THE PAST, AND) WE WERE JUST
HOPING WE COULD COUNT ON YOUR SUPPORT THIS YEAR ...AND AS OUR WAY
OF SAYING THANK YOU, WE'LL SEND YOU OUR INFORMATIVE BROCHURE AND
HOME SCREENING TEST FOR DIABETES.....M/M_____, CAN WE COUNT ON YOUR
HELP THIS YEAR??

WITH A "YES" ANSWER

THAT'S WONDERFUL!!!! IS YOUR MAILING ADDRESS STILL.....(VERIFY THEIR
COMPLETE ADDRESS)...OKAY, GREAT.....WOULD THE \$_____BE GOOD FOR YOU
(AGAIN) THIS YEAR?

LIND'S
Presentation

Approved
JAN

EXHIBIT XVII